

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MARYLAND**

**VELMA M. MELTON,**

Plaintiff,

vs.

**SELECT PORTFOLIO SERVICING,  
INC. *et al.*,**

Defendants.

Case No. 8:19-cv-00209-TDC

**SELECT PORTFOLIO SERVICING, INC.'S  
RESPONSE TO PLAINTIFF'S MOTION TO AMEND SCHEDULING ORDER**

Defendant Select Portfolio Servicing, Inc. ("SPS"), by its undersigned counsel, responds as follows to Plaintiff's Motion to Amend Scheduling Order, filed on October 25, 2019 [ECF #89] ("Motion to Amend"):

1. In the Motion to Amend at 2, Plaintiff seeks an additional 90 day extension in order "to depose Defendant's corporate designee(s)" and referencing SPS's then-pending Motion for a Protective Order [ECF # 81]. Plaintiff also requested a 90 day extension in order to depose certain non-parties located in India from the Court.

2. SPS submits that this Motion to Amend is now moot, as Magistrate Judge Sullivan's<sup>1</sup> October 28, 2019 Letter to Counsel [ECF # 90] ("Letter Order") addressed and modified the discovery schedule. [See ECF #90 at 7.] The Court's Letter Order also resolved the issues raised by SPS in its Motion for Protective Order and Plaintiff's denied Motion to Compel Discovery from SPS [ECF # 82], The parties have agreed that SPS's Fed. R. Civ. P. 30(b)(6) witness will be deposed on November 26, 2019 in Washington, D.C.

---

<sup>1</sup> By "Order of Reference to United States Magistrate Judge" entered on July 26, 2019, this Court referred "All discovery and related scheduling matters" to the Honorable Timothy J. Sullivan, United States Magistrate Judge [ECF # 63].

3. SPS has never disputed that information regarding Ms. Melton's loan account is discoverable. And, as the Court acknowledged in an earlier Order, "[t]he claims and defenses in this case are relatively uncomplicated." [ECF # 66] Given the extensive briefing by Plaintiff and the prior rulings by Magistrate Judge Sullivan on the discovery issues in this case, SPS submits that the additional discovery sought by Ms. Melton is not proportional to the needs of the case, nor does it justify a further extension of discovery.

4. Finally, SPS notes that Magistrate Judge Sullivan's Letter to Counsel, entered on October 10, 2019 [ECF # 86], granted Plaintiff leave to file a motion to amend the scheduling order on or before October 17, 2019. This Motion to Amend was filed eight days later on October 25, 2019, without any explanation.

### **CONCLUSION**

For the foregoing reasons, the Court should grant deny Plaintiff's Motion to Amend as moot, or on grounds that good cause does not otherwise exist for a further 90 day extension of the discovery period.

November 8, 2019

Respectfully submitted,

/s/ **Mary S. Diemer**

Mary S. Diemer, Esquire  
Federal Bar No. 12328  
NELSON, MULLINS, RILEY & SCARBOROUGH LLP  
E-Mail: mary.diemer@nelsonmullins.com  
101 Constitution Avenue, N.W., Suite 900  
Washington, D.C. 20001  
(202) 712-2800  
Fax: (202) 712-2860  
*Attorneys for Select Portfolio Servicing, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on this 8th day of November, 2019, copies of Select Portfolio Servicing, Inc.'s Response to Plaintiffs Motion to Amend Scheduling Order was served by CM/ECF upon all registered parties of record.

/s/ **Mary S. Diemer**

Mary S. Diemer